

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Delete the title and insert the following:
- A BILL FOR AN ACT to amend the Indiana Code concerning the environment.
- Delete everything after the enacting clause and insert the following:
- SECTION 1. IC 13-11-2-213 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 213. "Source", for purposes of **IC 13-15-7-5** and IC 13-17-7, means an aggregation of one (1) or more facilities that are:
 - (1) located on:
 - (A) one (1) piece of property; or
 - (B) contiguous or adjacent properties; and
 - (2) owned, operated, or controlled by the same person.
- SECTION 2. IC 13-15-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) Not later than fifteen (15) days after being served the notice provided by the commissioner under IC 13-15-5-3:
 - (1) the permit applicant; or
 - (2) any other person aggrieved by the commissioner's action;
 may appeal the commissioner's action to the office of environmental adjudication and request that an environmental law judge hold an adjudicatory hearing concerning the action under IC 4-21.5-3 and IC 4-21.5-7.
- (b) Notwithstanding subsection (a), a person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than:
 - (1) July 30, 1999, for a permit issued before July 1, 1999; or
 - (2) thirty (30) days after the date the person received the notice provided under IC 13-15-5-3, for a permit issued after June 30, 1999.
- SECTION 3. IC 13-15-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. Except as provided

in sections 2, ~~and 4~~, **and 5** of this chapter, the commissioner or a designated staff member may revoke or modify a permit granted by the department under environmental management laws or IC 13-7 (before its repeal) for any of the following causes:

- (1) Violation of any condition of the permit.
- (2) Failure to disclose all of the relevant facts.
- (3) Any misrepresentation made in obtaining the permit.
- (4) Changes in circumstances relating to the permit that require either a temporary or permanent reduction in the discharge of contaminants.
- (5) Any other change, situation, or activity relating to the use of a permit that, in the judgment of the department, is not consistent with the following:

- (A) The purposes of this title.

- (B) Rules adopted by one (1) of the boards.

SECTION 4. IC 13-15-7-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 1999]: **Sec. 5. (a) This section applies to the following:**

- (1) An existing source that has been issued an operating permit by the air pollution control board.**
- (2) An emission unit at an existing source described in subdivision (1).**

(b) The commissioner or a designated staff member may not apply:

- (1) construction permit requirements;**
- (2) control technology requirements; or**
- (3) other new source review requirements;**

to the source or emission unit solely because of an increase in emissions resulting from a revision or refinement of an emission factor contained in the United States Environmental Protection Agency publication AP-42 or in any other generally accepted compilation of emission factors.

(Reference is to SB 65 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Environmental Affairs.

GARTON

Chairperson